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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,543	06/06/2001	James A. Aviani	CIS01-03(3705)	6900

7590

11/24/2004

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EXAMINER

PHAN, TAM T

ART UNIT

PAPER NUMBER

2144

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/875,543

Applicant(s)

AVIANI ET AL.

Examiner

Tam (Jenny) Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been examined. Claims 1-36 are presented for examination.

Priority

2. No priority claims have been made.
3. The effective filing date for the subject matter defined in the pending claims in this application is 06/06/2001.

Claim Objections

4. Claim 20 is objected to because of the following informalities: "The data communication device of claim 21" should read "The data communication device of claim 11". Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen et al. (U.S. Patent Number 6,389,462) in view of Hericourt (U.S. Patent Number 6,792,461).
7. Regarding claim 1, Cohen disclosed a method in a data communication device for providing access to data from a data access device to a client over a network, the method comprising the steps of: receiving a first request from a client to access data (Figures 3-4, column 5 lines 12-17, column 15 lines 9-34); providing a second request to access data to the data access device in response to receiving the first request, the second request including

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connection establishment information that enables establishment of a communication connection between the data access device and the client (Figures 3-4, column 7 lines 12-19, column 15 lines 9-34); receiving a first response from the data access device (column 9 lines 12-18, column 15 lines 22-24); and establishing the communication connection to the client based on the connection establishment information and provide a second response to the second request to the client (Figures 3-4 and associated text, column 7 lines 27-35, column 9 lines 8-23).

8. Cohen taught the invention substantially as claimed. However, Cohen did not expressly teach a step of providing a data transfer approval to the data access device in response to receiving the first response, the data transfer approval authorizing the data access device to establish the communication connection to the client based on the connection establishment information

9. Cohen suggested exploration of art and/or provided a reason to modify the method for providing data access with the security feature (column 1 lines 30-38, column 17 lines 13-31).

10. Hericourt disclosed a method of providing a data transfer approval to the data access device in response to receiving the first response, the data transfer approval authorizing the data access device to establish the communication connection to the client based on the connection establishment information (column 3 lines 52-59, column 9 lines 35-51).

11. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Cohen with the teachings of Hericourt to include the security feature in order to limit the traffic to authorized transactions (Hericourt, column 9 lines 46-49) since strict security measures against unwanted access from external computers are required (Hericourt, column 3 lines 62-65).

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12. Regarding claim 2, Cohen disclosed a method wherein the step of receiving the first request includes (i) receiving the first request based on a request/response communications protocol (Figures 3-4, column 5 lines 12-17, column 15 lines 9-34), and (ii) receiving a content identifier that identifies a requested content; and the step of providing the second request includes providing the content identifier to enable the data access device to access the requested content (column 7 lines 1-11, column 9 lines 8-18).

13. Regarding claim 3, Cohen and Hericourt disclosed a method wherein the step of receiving the first request comprises receiving a plurality of first requests to access data from the client (Cohen, column 10 lines 18-22, column 14 lines 58-61); the step of providing the second request comprises providing a plurality of second requests in response to receiving the first requests, each second request including a request sequence number (Cohen, column 10 lines 11-31, column 12 lines 14-22); and the step of providing the data transfer approval comprises providing a data transfer approval for each of a plurality of responses to the second requests in a sequence based on the request sequence numbers for the second requests (Cohen, column 10 lines 11-31, column 12 lines 14-22; Hericourt, column 9 lines 35-51).

14. Regarding claim 4, Cohen and Hericourt disclosed a method wherein the step of providing the second request comprises providing a plurality of second requests to a plurality of data access devices (Cohen, Figures 3-4, column 10 lines 11-31, column 12 lines 14-22); the step of receiving the first response comprises receiving a plurality of first responses from a subset of the plurality of data access devices that received the second requests (Cohen, Figures 3-4, column 10 lines 18-22, column 14 lines 58-61); and the step of providing the data transfer approval comprises a step of selecting one of the subset of data access devices to provide the

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second response to the second request and providing the data transfer approval to the selected one of the data access devices (Cohen, column 5 lines 12-17, column 8 lines 59-66; Hericourt, column 9 lines 35-51).

15. Regarding claim 5, Hericourt disclosed a method wherein each first response includes usage information for each data access device in the subset that indicates a level of usage for each data access device in the subset; and the step of selecting one of the subset comprises comparing the usage information for all of the data access devices in the subset to determine the selected one of the data access devices from the subset having a preferable level of usage (Figures 2 and 4, column 6 lines 11-15, column 7 lines 32-41, column 9 lines 52-63).

16. Regarding claim 6, Cohen disclosed a method wherein the connection establishment information includes a current transmit window for the client that provides a window length for transmitting the second response to the client from the data access device, the window length provided by the client in the first request for use by the data access device when determining a quantity of data to provide in the second response (column 5 lines 56-67, column 13 lines 18-36, lines 52-66).

17. Regarding claim 7, Cohen disclosed a method wherein the data access device is a first data access device, and the connection establishment information includes a location identifier for a second data access device suitable for use if a requested content specified in the first request is unavailable from the first data access device (column 5 lines 38-48, column 7 lines 27-35, column 9 line 19-column 10 line 4).

18. Regarding claim 8, Cohen and Hericourt disclosed a method wherein the connection establishment information is a first set of connection establishment information, and the data

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transfer approval includes a second set of connection establishment information, the data transfer approval authorizing the data access device to establish the communication connection to the client based on the first set and the second set of connection establishment information (Cohen, column 7 lines 12-35; Hericourt, column 9 lines 35-50, column 11 lines 19-30).

19. Regarding claim 9, Cohen disclosed a method, further comprising the steps of: receiving a first acknowledgment from the client of the second response provided to the client from the data access device over the communication connection; and in response to receiving the first acknowledgment, forwarding a second acknowledgment to the data access device indicating that the data communications device received the first acknowledgment from the client (column 7 lines 1-11, column 9 lines 8-18, column 10 lines 11-26, column 15 lines 9-34).

20. Regarding claim 10, Cohen and Hericourt disclosed a method further comprising the steps of: receiving a first termination signal from the data access device in order to terminate a request session with the client; and in response to receiving the first termination signal, providing a second termination signal to the client that indicates a request to terminate the request session (Cohen, column 7 lines 12-35; Hericourt, column 20 lines 35-47, column 21 lines 49-58).

21. Regarding claims 11-20, the data communication device corresponds directly to the method of claims 1-10, and thus these claims are rejected using the same rationale.

22. Regarding claims 21, the computer program product corresponds directly to the method of claim 1 and the data communication device of claim 11, and thus is rejected using the same rationale.

23. Regarding claims 22, the data communication device corresponds directly to the method of claim 1, the data communication device of claim 11, and the computer program product of claim 21, and thus is rejected using the same rationale.

24. Regarding claim 23, Cohen and Hericourt disclosed a method in a data access device for providing data over a network to a client, the method comprising the steps of: receiving a second request to access data from a data communication device, the second request based on a first request to access data received by the data communications device from the client and the second request including connection establishment information that enables establishment of a communications connection between the data access device and the client (Cohen, column 7 lines 1-35, column 9 lines 6-28); providing a first response to the data communications device; and receiving a data transfer approval from the data communications device in response to providing the first response, the data transfer approval authorizing the data access device to establish the communication connection to the client and to provide a second response to the second request to the client based on the connection establishment information (Cohen, Figures 3-4 and associated text, column 7 lines 27-35, column 9 lines 8-23; Hericourt, column 3 lines 52-59, column 9 lines 35-51).

25. Regarding claim 24, Cohen disclosed a method wherein the step of receiving the second request includes receiving a content identifier that identifies a requested content and that enables the data access device to access the requested content (column 7 lines 1-11, column 8 line 59-column 9 line 23).

26. Regarding claim 25, Cohen disclosed a method wherein the connection establishment information includes a current transmit window for the client that provides a window length for

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transmitting the second response to the client, the window length provided by the client in the first request for use by the data access device when determining a quantity of data to provide in the second response (column 5 lines 56-67, column 13 lines 18-36, lines 52-66).

27. Regarding claim 26, Cohen disclosed a method wherein the data access device is a first data access device, and the connection establishment information includes a location identifier for a second data access device suitable for use if a requested content specified in the first request is unavailable from the first data access device (column 5 lines 38-48, column 7 lines 27-35, column 9 line 19-column 10 line 4).

28. Regarding claim 27, Cohen and Hericourt disclosed a method wherein the connection establishment information is a first set of connection establishment information, and the data transfer approval includes a second set of connection establishment information, the data transfer approval authorizing the data access device to establish the communication connection to the client based on the first set and the second set of connection establishment information (Cohen, column 7 lines 12-35; Hericourt, column 9 lines 35-50, column 11 lines 19-30).

29. Regarding claim 28, Cohen disclosed a method further comprising the steps of establishing the communication connection to the client and providing the second response to the second request to the client over the communication connection (column 8 line 59-column 9 line 23).

30. Regarding claims 29-34, the data access device corresponds directly to the method of claims 23-28, and thus these claims are rejected using the same rationale.

31. Regarding claims 35, the computer program product corresponds directly to the method of claim 23 and the data access device of claim 29, and thus is rejected using the same rationale.

32. Regarding claims 36, the data access device corresponds directly to the method of claim 23, the data access device of claim 29, and the computer program product of claim 35, and thus is rejected using the same rationale.

33. Since all the limitations of the claimed invention were disclosed by the combination of Cohen and Hericourt, claims 1-36 are rejected.

Conclusion

34. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Shapiro et al. (U.S. Patent Number 5,991,810) titled "User name authentication for gateway clients accessing a proxy cache server" disclosed a method for regulating access to a proxy cache server residing on an institutional intranet or local network provides a directory for storing user names that are appended to client requests for remote web site information. The proxy cache server reads the appended requests and either accepts or denies access to the requested information based upon predetermined access control guidelines relative to the specific user name. The access control guidelines can be stored on the directory, and downloaded to the proxy cache server's memory as needed. The proxy cache server stores and retrieves requested site information via the Internet, but only retrieves and delivers requested site information to clients if authorization is approved.

b. Liao et al. (U.S Patent Number 6,606,663) titled "Method and apparatus for caching credentials in proxy servers for wireless user agents" disclosed a credential caching proxy server that handles credential caching for a set of wireless client devices.

The credential caching proxy server handles most credential transactions for wireless client devices that wish to access resources within a protected realm where the protected realm requires credentials. The credential caching proxy server intercepts and caches a wireless client's credentials when a credential is first sent from the wireless user agent to a protected server. The cached credential will then be used for all requests to resources within the same protected realm. Thus, after first sending a first credential for accessing the resource in a particular realm, the wireless user agent does not need to attach the credential for all the subsequent requests for any other resources belong to the same realm.

c. Chilton et al. (U.S. Patent Number 6,732,117) titled "Techniques for handling client-oriented requests within a data storage system" disclosed techniques for handling a client-oriented request within a data-storage system. Handling of a client-oriented request enables direct communication between a client and the system thus offloading any servers' burden of handling client requests. In some situations, such handling of the client-oriented request within the data storage system enables reduced traffic through the cache of the system, and reduced traffic between the system and external devices.

35. Refer to the enclosed PTO-892 for details and complete listing of other pertinent prior art of record.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam (Jenny) Phan whose telephone number is (571) 272-3930. The examiner can normally be reached on M-F 9:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571) 272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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December 1, 2004